



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil Gas and Mining

JOHN R. BAZA  
Division Director

October 4, 2007

CERTIFIED MAIL  
7005 2570 0000 4801 7925

Mr. Craig Worthington  
Worthington Landscape  
6536 South 1300 West  
Taylorsville, UT 84123

Subject: Findings of Fact, Conclusions, Order and Finalized Assessment for MC-2006-03-14-01, Worthington Landscape, S0350025, Craig Worthington, Salt Lake County, Utah

Dear Mr. Worthington:

On March 23, 2007, an Informal Conference was held to review the fact of the violation and the proposed fine for state violation MN-2006-03-11. As a result of a review of all pertinent data and facts, including those presented in the Informal Conference, the violation is hereby vacated.

The civil penalty is now \$0 since it has been vacated. If you have questions, please contact Daron Haddock or me at 801-538-5325 or 801-538-5306, respectively.

Sincerely,

Mary Ann Wright  
Associate Director, Mining  
Assessment Conference Officer

MAW/VS

Enclosures:

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BEFORE THE DIVISION OF OIL, GAS AND MINING  
**MINERALS REGULATORY PROGRAM**  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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IN THE MATTER OF THE	:	INFORMAL CONFERENCE
Worthington Landscape, Salt Lake		For MN 2006-03-11-01
COUNTY, UTAH	:	FINDINGS, CONCLUSIONS
		AND ORDER
		CAUSE NO. M00350025

---ooOoo---

On March 27, 2007, the Division of Oil, Gas and Mining ("OGM") held an informal conference concerning the Fact of Violation and the Assessment for Violation, MN-2006-03-11-01 issued to Worthington Landscape, Salt Lake County, Utah. The following attended for the Division: Paul Baker.

Presiding: Mary Ann Wright  
Associate Director, Mining  
Division of Oil, Gas and Mining

Petitioner: Craig Worthington, Worthington Landscape

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner and the Division in connection with this informal conference, and on information in the files of the Division.

**FACTS PRESENTED: Fact of the Violation and Assessment**

1. On March 27, 2007, the Division of Oil, Gas and Mining (OGM or Division) held an Informal Conference concerning the Violation issued at the Worthington Landscape Mine, Salt Lake County, Utah.
2. Violation MN-2006-03-11-01 was issued 9/20/2006 for "Failure to comply with applicable statutes, rules, regulations, or ordinances of a local agency, Bluffdale City, with jurisdiction over the mining operations."

3. In an email received 3/16/07, Mr. Worthington requested an Informal Conference. Notice of the informal conference was properly given. Pursuant to Utah Code Ann. Section 40-8- 9 and Utah Administrative Rule R647-6-102.
4. At the informal conference, the following information was presented to the Conference Officer.
5. Mr. Worthington stated that he received a letter from Bluffdale City. He also stated that four operators also got a letter from Bluffdale. He tried to contact Vaughn Pickell of Planning and Zoning two times and he expected a return call. He did not get one. He said he was in a group of four operators who, in 2005, received cessation orders for picking up landscape rocks from the surface without a permit from OGM. His cessation order was vacated by OGM's Acting Associate Director.
6. Mr. Worthington stated he has been at this site for 20 years – on Butterfield Grazing Land- where sheep have grazed. Since 1982, he has been cleaning rocks off the surface, getting it ready for housing. Likely, it is zoned for agriculture, not mining. The property belongs to Claudia Anderson and one other party.
7. Mr. Worthington stated that he has moved the operation (to a new area) after reseeding and has been in touch with Paul Baker every other month to keep him familiar with the operation. He also stated that there were problems with the nearby military Fort. He showed pictures of boys seeding and explained that he went back and roughened the surface.
8. Mr. Worthington maintained that he was not indifferent to the city laws, he had tried to contact the city of Bluffdale. He presented a news article from 3/1/07, SL Tribune, explaining the turmoil and staffing problems at the city.
9. The Division concurred with the murky and difficult situation going on in Bluffdale City. The Division clarified that in 2005, it had held on-site “stop work” conferences for operations in the Bluffdale area that had been shut down for lack of a mining permit.

### **CONCLUSIONS**

- No environmental or public safety harm occurred as a result of the operation being out of sync with city zoning.
- OGM was correct in having the permittee establish a dialogue with the city about this operation. But, now the Utah Supreme Court has ruled that this area is no longer part of Bluffdale City.

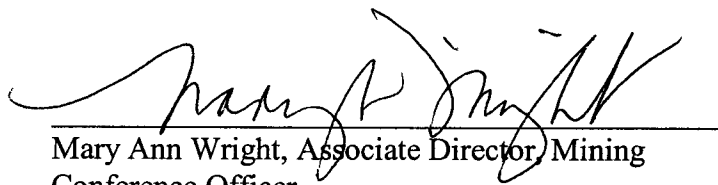
- The Violation should be vacated.
- Worthington Landscape should maintain its mine permit with the state of Utah

**ORDER**

NOW THEREFORE, it is ordered that:

1. Violation MN-2006-03-11-01, issued 11-15-06, is hereby vacated.
2. There is no fine since the violation is vacated.

SO DETERMINED AND ORDERED this 2nd day of October 2007

  
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Mary Ann Wright, Associate Director, Mining  
Conference Officer  
Division of Oil, Gas and Mining  
State of Utah